

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
HOPETON PRENDERGAST,

Plaintiff,

-against-

COMMISSIONER CYNTHIA BRANN, *et al.*,
Defendants.

ANALISA TORRES, District Judge:

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20 Civ. 9418 (AT) (SDA)

ORDER

On November 9, 2020, the Honorable Stewart D. Aaron severed the claims of all plaintiffs in *Michael J. Lee v. Department of Corrections*, No. 20 Civ. 8407. ECF No. 1. Accordingly, Plaintiff Hopeton Prendergast's claims were severed and a new civil action, the above-captioned case, was opened. On November 9, 2020, Plaintiff filed a complaint alleging claims under 42 U.S.C. § 1983 against Defendants. ECF No. 2. On November 24, 2020, Plaintiff filed an amended complaint alleging the same claims. ECF No. 7. On December 14, 2020, Plaintiff's case was assigned to the undersigned. Dkt. Entry 12/14/2020. On March 28, 2022, Defendants filed a motion for summary judgment. ECF No. 37. Defendant did not file an opposition. On March 29, 2022, the Court referred the motion to Judge Aaron for a Report and Recommendation ("R&R"). ECF No. 47.

On December 13, 2022, Judge Aaron issued an R&R recommending that Defendants' motion for summary judgment be granted. ECF No. 49 at 1. On December 15, 2022, Judge Aaron issued an amended R&R making the same recommendation. ECF No. 50 at 1. Despite notification of the right to object to the R&R, no objections were filed, and the time to do so has passed. *See* Fed. R. Civ. P. 72(b)(2). Having received no objections to the R&R, the Court reviewed the R&R for clear error and found none. *Oquendo v. Colvin*, No. 12 Civ. 4527, 2014 WL 4160222, at *2 (S.D.N.Y. Aug. 19, 2014).

The Court, therefore, ADOPTS the R&R in its entirety. Accordingly, Defendants' motion for summary judgment is GRANTED.

The Clerk of Court is directed to terminate the motion at ECF No. 37, mail a copy of this order to Plaintiff *pro se*, and close the case.

SO ORDERED.

Dated: February 1, 2023
New York, New York


ANALISA TORRES
United States District Judge